United Nations A/INF/58/7

General Assembly

Distr.: General
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Fifty-eighth session

United Nations Administrative Tribunal

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, for their information, the attached note from the United Nations Administrative Tribunal to the President of the General Assembly.

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Annex

Annual note by the United Nations Administrative Tribunal

1. At its third plenary session, held in Paris on 20 December 1951, the Administrative Tribunal decided to submit a note each year to the President of the General Assembly. In accordance with this decision, the following note is submitted in respect of the year 2003.

A. Appointment of members of the Tribunal by the General Assembly

2. At its 75th plenary meeting, on 17 December 2003, the General Assembly, on the recommendation of the Fifth Committee (see A/58/565), reappointed Julio Barboza and appointed Dayendra Sena Wijewardane as a member of the United Nations Administrative Tribunal for a four-year term of office beginning on 1 January 2004.

B. Composition of the Tribunal during 2003

3. In 2003, the Tribunal was composed of the following members:

Mr. Julio Barboza, President
Mr. Mayer Gabay, First Vice-President
Mr. Kevin Haugh, Second Vice-President
Mr. Omer Yousif Bireedo
Mr. Spyridon Flogaitis
Ms. Brigitte Stern
Ms. Jacqueline R. Scott

C. Fifty-fourth plenary session

4. The Tribunal met in annual plenary session in New York on 20 October 2003, pursuant to article 5, paragraph 1, of its rules. All members were present.

D. Judgements delivered during 2003

5. In 2003, the Tribunal held two sessions, one in Geneva from 23 June to 25 July and one in New York from 20 October to 21 November. The composition of the panels and the corresponding judgements rendered are as follows:

Case No. 1041: Sokolov

(Sokolov against the United Nations Joint Staff Pension Board)
(Request by United Nations staff member for revision of Judgement No. 957)
Judgement No. 1101

Geneva, 24 June to 21 July 2003

Mr. Gabay, presiding
Mr. Haugh
Ms. Scott

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Case No. 1168: Sirois

(Sirois against the Secretary-General of the United Nations)
(Request by former staff member of the International Criminal Tribunal for Rwanda for rescission of decision not to renew his fixed-term contract and to improperly place adverse material in his official status file)
Judgement No. 1135

Geneva, 24 June to 21 July 2003

Mr. Gabay, presiding
Mr. Bireedo
Ms. Stern

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Case No. 1172: Mwangi

(Mwangi against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for various financial entitlements)
Judgement No. 1125

Geneva, 24 June to 25 July 2003

Mr. Barboza, President
Mr. Bireedo
Mr. Flogaitis

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Case No. 1177: Alok

(Alok against the Secretary-General of the United Nations)
(Claim by former UNFPA staff member for rescission of decision to separate him from service under staff rule 110.3)
Judgement No. 1123

Geneva, 25 June to 25 July 2003

Mr. Haugh, presiding
Mr. Bireedo
Ms. Stern

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Case No. 1183: Hijaz

(Hijaz against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member for rescission of decision to terminate his appointment for abandonment of post and to withhold separation entitlements)
Judgement No. 1102

Geneva, 25 June to 21 July 2003

Mr. Haugh, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1184: Goddard

(Goddard against the Secretary-General of the United Nations)
(Request by former staff member of the International Criminal Tribunal for Rwanda for rescission of decision not to renew his fixed-term contract and to improperly place adverse material in his official status file)
Judgement No. 1132

Geneva, 24 June to 25 July 2003

Mr. Gabay, presiding
Mr. Bireedo
Ms. Stern

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Case No. 1193: West

(West against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision to deny his request for sick leave credits and for reinstatement of 62.5 days' annual leave)
Judgement No. 1133

Geneva, 7 to 25 July 2003

Mr. Haugh, presiding
Mr. Flogaitis
Ms. Scott

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Case No. 1198: Dilleyta

(Dilleyta against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of decision to summarily dismiss him)
Judgement No. 1103

Geneva, 27 June to 21 July 2003

Mr. Gabay, presiding
Mr. Haugh
Mr. Flogaitis

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Case No. 1199: Tang

(Tang against the Secretary-General of the United Nations)
(Claim by ESCAP staff member for reclassification of her post to Professional level)
Judgement No. 1104

Geneva, 26 June to 21 July 2003

Mr. Gabay, presiding
Mr. Flogaitis
Ms. Stern

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Case No. 1201: Gomes

(Gomes against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision not to renew his fixed-term contract and for compensation for lack of assistance in evacuation from Guinea-Bissau)
Judgement No. 1134

Geneva, 26 June to 25 July 2003

Mr. Barboza, President
Ms. Stern
Ms. Scott

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Case No. 1205: Suresh

(Suresh against the Secretary-General of the United Nations)
(Claim by ESCAP staff member for reclassification of his post and for special post allowance)
Judgement No. 1112

Geneva, 25 June to 25 July 2003

Mr. Barboza, President
Mr. Bireedo
Ms. Stern

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Case No. 1207: Gichomo

(Gichomo against the Secretary-General of the United Nations)
(Claim by UNON staff member for rescission of decision not to approve the creation of a P-2 post and not to promote him thereto; and for rescission of decision not to pay him personal transitional allowance (PTA) retroactively from 1 January 2000)
Judgement No. 1138

Geneva, 1 to 25 July 2003

Mr. Barboza, President
Mr. Bireedo
Ms. Stern

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Case No. 1208: Kingham

(Kingham against the Secretary-General of the United Nations)
(Claim by UNICEF staff member for compensation for violating her rights in failing to apply established policies with regard to placement of staff in abolished posts)
Judgement No. 1105

Geneva, 1 to 23 July 2003

Mr. Gabay, presiding
Mr. Flogaitis
Ms. Stern

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Case No. 1209: Iqbal

(Iqbal against the Secretary-General of the United Nations)
(Claim by former UNHCR staff member for rescission of decision to terminate his fixed-term appointment due to abolition of post; and for rescission of decision adopting the JAB's conclusion that his appeal was time-barred)
Judgement No. 1106

Geneva, 2 to 21 July 2003

Mr. Gabay, presiding
Mr. Flogaitis
Ms. Stern

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Case No. 1210: Miller

(Miller against the Secretary-General of the International Civil Aviation Organization (ICAO))
(Request by former ICAO staff member to resubmit pleas contained in Judgement No. 623; claims for rescission of decision to dismiss him on health grounds; to deny him disability benefits and compensation for infringement of various rights; and for payment of medical expenses)
Judgement No. 1111

Geneva, 1 to 23 July 2003

Mr. Gabay, presiding
Mr. Bireedo
Mr. Flogaitis

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Case No. 1211: Facchin

(Facchin against the Secretary-General of the United Nations)
(Claim by former UNOG staff member for rescission of decision determining that there had been no violation of her rights and that she had access to all documents in her official status file)
Judgement No. 1107

Geneva, 2 to 21 July 2003

Mr. Barboza, President
Mr. Bireedo
Mr. Flogaitis

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Case No. 1212: Abu-Ras

(Abu-Ras against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decisions not to renew her fixed-term contract and to deny her the opportunity to sit for the national competitive examination on the grounds that she came from a country that was over-represented)
Judgement No. 1127

Geneva, 27 June to 25 July 2003

Mr. Barboza, President
Mr. Haugh
Mr. Flogaitis

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Case No. 1213: Janssen

(Janssen against the Secretary-General of the United Nations)
(Claim by United Nations staff member for payment of the difference in salary and other entitlements between his actual grade and the classified grade of his post)
Judgement No. 1113

Geneva, 7 to 24 July 2003

Mr. Barboza, President
Mr. Gabay
Ms. Stern

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Case No. 1214: Ameen

(Ameen against the Secretary-General of the United Nations)
(Claim by former UNHCR staff member for rescission of decisions to defer issuance of fixed-term contract and to terminate his fixed-term contract due to abolition of post)
Judgement No. 1114

Geneva, 3 to 24 July 2003

Mr. Haugh, presiding
Mr. Bireedo
Mr. Flogaitis

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Case No. 1215: Ruser

(Ruser against the Secretary-General of the United Nations)
(Claim by UNOG staff member for payment of the difference in salary and other entitlements between her actual grade and the classified grade of her post)
Judgement No. 1115

Geneva, 11 to 24 July 2003

Mr. Barboza, President
Mr. Gabay
Ms. Stern

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Case No. 1216: D'Cruz

(D'Cruz against the Secretary-General of the United Nations)
(Claim by former UNDP staff member for rescission of decision to terminate his permanent appointment due to abolition of post)
Judgement No. 1115

Geneva, 11 to 24 July 2003

Mr. Barboza, President
Mr. Bireedo
Ms. Stern

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Case No. 1217: Sabet & Skeldon

(Sabet and Skeldon against the Secretary-General of the United Nations)
(Claim by ESCAP staff member and former staff member for retroactive promotion)
Judgement No. 1136

Geneva, 1 to 25 July 2003

Mr. Barboza, President
Mr. Bireedo
Ms. Stern

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Case No. 1218: Youssef
Case No. 1219: Issa
Case No. 1220: Marshoud
Case No. 1221: Amayri

(Youssef, Issa, Marshoud and Amayri against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claims by former UNRWA staff members for rescission of decisions to declare them redundant; not to assign them to other posts commensurate with their qualifications; and to terminate them on grounds of redundancy)
Judgement No. 1116

Geneva, 30 June to 24 July 2003

Mr. Barboza, President
Mr. Haugh
Mr. Flogaitis

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Case No. 1223: Saavedra

(Saavedra against the Secretary-General of the International Civil Aviation Organization (ICAO))
(Claim by former ICAO staff member for rescission of decision not to provide her with an accurate post description, thereby depriving her of possible consideration for promotion or special post allowance)
Judgement No. 1131

Geneva, 1 to 25 July 2003

Mr. Barboza, President
Mr. Bireedo
Ms. Stern

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Case No. 1224: Sha'ban

(Sha'ban against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by UNRWA staff member for rescission of decision to transfer him to a different, less prestigious school even though maintaining his pay and position as Head Teacher)
Judgement No. 1110

Geneva, 2 to 21 July 2003

Mr. Haugh, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1225: Kirudja

(Kirudja against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of decision not to promote him to the D-1 level)
Judgement No. 1117

Geneva, 4 to 24 July 2003

Mr. Gabay, presiding
Mr. Flogaitis
Ms. Scott

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Case No. 1226: Burbridge

(Burbridge against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of decision not to grant him a long-service step)
Judgement No. 1129

Geneva, 3 to 25 July 2003

Mr. Gabay, presiding
Mr. Flogaitis
Ms. Stern

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Case No. 1227: Khuzam

(Khuzam against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision not to promote him to the P-5 level)
Judgement No. 1118

Geneva, 27 June to 24 July 2003

Mr. Gabay, presiding
Mr. Flogaitis
Ms. Scott

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Case No. 1128: Asombang

(Asombang against the Secretary-General of the United Nations)
(Claim by ECA staff member for greater compensation than awarded by the JAB for failure to give him full and fair consideration for promotion)
Judgement No. 1108

Geneva, 2 to 21 July 2003

Mr. Gabay, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1129: Hannibal

(Hannibal against the Secretary-General of the United Nations)
(Claim by former UNDCP staff member for rescission of decision to replace a three-year fixed-term letter of appointment with a one-year fixed-term letter of appointment; alternatively to remand to the JAB for consideration on the merits)
Judgement No. 1130

Geneva, 25 June to 25 July 2003

Mr. Barboza, President
Mr. Flogaitis
Ms. Stern

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Case No. 1230: Al-Zein

(Al-Zein against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claim by former UNRWA staff member for rescission of decisions to declare her redundant; not to assign her to another post commensurate with her qualifications; and to terminate her on grounds of redundancy)
Judgement No. 1119

Geneva, 11 to 24 July 2003

Mr. Haugh, presiding
Mr. Flogaitis
Ms. Scott

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Case No. 1231: Kamoun

(Kamoun against the Secretary-General of the United Nations)
(Claim by former UNOG staff member for rescission of decision not to suspend action on his retirement and not to adopt the JAB recommendation to reinstate him symbolically for one day)
Judgement No. 1120

Geneva, 4 to 24 July 2003

Mr. Barboza, President
Mr. Flogaitis
Ms. Stern

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Case No. 1233: Wollstein

(Wollstein against the Secretary-General of the United Nations)
(Claim by former ECLAC staff member for payment of unpaid portion of repatriation grant)
Judgement No. 1109

Geneva, 3 to 21 July 2003

Mr. Gabay, presiding
Mr. Bireedo
Ms. Stern

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Case No. 1234: Saffir

(Saffir against the Secretary-General of the United Nations)
(Claim by United Nations staff member for rescission of decision not to renew his fixed-term contract)
Judgement No. 1121

Geneva, 30 June to 24 July 2003

Mr. Haugh, presiding
Mr. Flogaitis
Ms. Scott

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Case No. 1235: Lopes-Braga

(Lopes-Braga against the Secretary-General of the United Nations)
(Claim by ITC staff member for rescission of decision not to promote him to the P-5 or L-5 level)
Judgement No. 1122

Geneva, 4 to 24 July 2003

Mr. Gabay, presiding
Mr. Flogaitis
Ms. Scott

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Case No. 1237: White

(White against the Secretary-General of the United Nations)
(Claim by former UNDCP staff member for rescission of decision not to renew his fixed-term contract)
Judgement No. 1137

Geneva, 8 to 25 July 2003

Mr. Gabay, presiding
Mr. Bireedo
Ms. Stern

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Case No. 1238: Byaje

(Byaje against the Secretary-General of the United Nations)
(Claim by former UNEP staff member for rescission of decisions not to renew her fixed-term contract or to pay her a language allowance)
Judgement No. 1126

Geneva, 25 June to 25 July 2003

Mr. Barboza, President
Mr. Gabay
Mr. Haugh

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Case No. 1239: Banerjee

(Banerjee against the Secretary-General of the United Nations)
(Claim by former UNDP staff member for rescission of decision to terminate his permanent appointment)
Judgement No. 1128

Geneva, 3 to 25 July 2003

Mr. Barboza, President
Mr. Haugh
Ms. Scott

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Case No. 1056: Jensen

(Jensen against the Secretary-General of the United Nations)
(Request by former staff member for revision of Judgement No. 1030)
Judgement No. 1140

New York, 21 October to 17 November 2003

Mr. Barboza, President
Mr. Haugh
Ms. Stern

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Case No. 1070: Coury et al.

(Coury et al. against the Secretary-General of the United Nations)
(Request by former staff members for revision of Judgement No. 999)
Judgement No. 1139

New York, 23 October to 17 November 2003

Mr. Gabay, presiding
Mr. Bireedo
Ms. Stern

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Case No. 1127: Hossain

(Hossain against the Secretary-General of the United Nations)
(Request by UNICEF staff member for revision of Judgement No. 1033)
Judgement No. 1141

New York, 21 October to 17 November 2003

Mr. Haugh, presiding
Mr. Bireedo
Mr. Flogaitis

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Case No. 1181: Hossain

(Hossain against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of decision not to renew her fixed-term contract)
Judgement No. 1142

New York, 22 October to 17 November 2003

Mr. Gabay, presiding
Mr. Haugh
Ms. Stern

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Case No. 1202: Khanal

(Khanal against the Secretary-General of the United Nations)
(Claim by former UNFPA staff member for rescission of decision to separate him from service for serious misconduct)
Judgement No. 1160

New York, 22 October to 21 November 2003

Mr. Haugh, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1203: Poudel

(Poudel against the Secretary-General of the United Nations)
(Claim by former UNFPA staff member for rescission of decision to summarily dismiss him)
Judgement No. 1153

New York, 22 October to 18 November 2003

Mr. Haugh, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1204: Dongol

(Dongol against the Secretary-General of the United Nations)
(Claim by UNFPA staff member for rescission of decision to demote him)
Judgement No. 1161

New York, 22 October to 21 November 2003

Mr. Haugh, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1236: Said

(Said against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of decision to separate him from service for misconduct without notice)
Judgement No. 1143

New York, 22 to 31 October 2003

Mr. Barboza, President
Mr. Flogaitis
Ms. Stern

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Case No. 1240: Dillett

(Dillett against the Secretary-General of the United Nations)
(Claim by former UNDP staff member for additional compensation under Appendix D to the Staff Regulations and Rules)
Judgement No. 1162

New York, 28 October to 18 November 2003

Mr. Gabay, presiding
Ms. Stern
Ms. Scott

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Case No. 1241: Miller

(Miller against the Secretary-General of the United Nations)
(Claim by former UNOG staff member for rescission of decision not to renew her fixed-term contract)
Judgement No. 1144

New York, 23 October to 17 November 2003

Mr. Barboza, President
Mr. Gabay
Mr. Flogaitis

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Case No. 1242: Tabari

(Tabari against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA))
(Claims by UNRWA staff member for implementation of new salary scales in UNRWA, for an interim salary increase and for a re-study of the Agency set-up and for establishment of a staff/management consultation mechanism)
Judgement No. 1145

New York, 24 October to 17 November 2003

Mr. Haugh, presiding
Mr. Flogaitis
Ms. Scott

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Case No. 1243: Fernandez

(Fernandez against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of decision to summarily dismiss her)
Judgement No. 1146

New York, 24 October to 17 November 2003

Mr. Barboza, President
Mr. Gabay
Mr. Bireedo

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Case No. 1244: Hussain

(Hussain against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of decisions not to compensate her for investigation by ad hoc enquiry panel or to compensate her for her forced early separation)
Judgement No. 1154

New York, 23 October to 18 November 2003

Mr. Barboza, President
Mr. Flogaitis
Ms. Scott

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Case No. 1245: Seaforth

(Seaforth against the Secretary-General of the United Nations)
(Claim by former UNCHS (Habitat) staff member for rescission of decisions not to renew his contract and not to convert it to the 100 series; claim for separation indemnity)
Judgement No. 1163

New York, 27 October to 21 November 2003

Mr. Barboza, President
Mr. Bireedo
Ms. Scott

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Case No. 1246: Aguado Bombin

(Aguado Bombin against the Secretary-General of the United Nations)
(Claim by UNDCP staff member for rescission of decision not to place her on a higher step within the P-3 level)
Judgement No. 1147

New York, 30 October to 17 November 2003

Mr. Haugh, presiding
Mr. Bireedo
Ms. Scott

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Case No. 1247: Andronov

(Andronov against the Secretary-General of the United Nations)
(Claims by former UNOG staff member for rescission of decision accepting the JAB conclusion that his appeal was not receivable, and for compensation for harassment and other violations of his rights)
Judgement No. 1157

New York, 23 October to 20 November 2003

Mr. Barboza, President
Mr. Gabay
Mr. Flogaitis

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Case No. 1249: Maleh

(Maleh against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for compensation for termination of his appointment)
Judgement No. 1148

New York, 27 October to 17 November 2003

Mr. Barboza, President
Mr. Haugh
Ms. Stern

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Case No. 1250: Thiam

(Thiam against the Secretary-General of the United Nations)
(Claim by former UNHCR staff member for full application of article 11.1(b) of Appendix D and for reimbursement of medical expenses)
Judgement No. 1155

New York, 28 October to 18 November 2003

Mr. Gabay, presiding
Ms. Stern
Ms. Scott

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Case No. 1252: Mendoza

(Mendoza against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision not to grant her special post allowance)
Judgement No. 1149

New York, 28 October to 17 November 2003

Mr. Barboza, President
Mr. Haugh
Mr. Bireedo

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Case No. 1254: Araim

(Araim against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for compensation for violation of his rights by an investigation panel)
Judgement No. 1158

New York, 24 October to 20 November 2003

Mr. Barboza, President
Mr. Flogaitis
Ms. Scott

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Case No. 1255: Fedorchenko

(Fedorchenko against the Secretary-General of the United Nations)
(Claims by United Nations staff member for greater compensation than awarded to him for abuse of discretionary authority in promotion exercise, and for damages caused by undue delays)
Judgement No. 1156

New York, 29 October to 19 November 2003

Mr. Barboza, President
Mr. Haugh
Mr. Flogaitis

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Case No. 1258: Lacoste

(Lacoste against the Secretary-General of the United Nations)
(Claims by former staff member of the International Criminal Tribunal for Rwanda for rescission of decision not to renew her fixed-term contract, and for removal of certain documents from, and filing of other documents in, her official status file)
Judgement No. 1159

New York, 27 October to 21 November 2003

Mr. Gabay, presiding
Mr. Flogaitis
Ms. Stern

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Case No. 1259: Sy

(Sy against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision not to renew her fixed-term appointment)
Judgement No. 1150

New York, 29 October to 17 November 2003

Mr. Barboza, President
Mr. Bireedo
Mr. Flogaitis

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Case No. 1260: Galindo

(Galindo against the Secretary-General of the United Nations)
(Claim by UNCTAD staff member for rescission of decision to demote him)
Judgement No. 1151

New York, 30 October to 17 November 2003

Mr. Gabay, presiding
Ms. Stern
Ms. Scott

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Case No. 1261: van Aggelen

(van Aggelen against the Secretary-General of the United Nations)
(Claim by OHCHR staff member for greater compensation than awarded for not giving his candidature to a P-5 post due consideration)
Judgement No. 1152

New York, 29 October to 17 November 2003

Mr. Gabay, presiding
Ms. Stern
Ms. Scott

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E. Amendments to the statute and rules

6. At its 72nd plenary meeting, on 9 December 2003, the General Assembly, on the recommendation of the Sixth Committee (see A/58/521), decide to amend article 3 of the statute of the United Nations Administrative Tribunal to read as follows:

> "The Tribunal shall be composed of seven members, no two of whom may be nationals of the same State. Members shall possess judicial or other relevant legal experience in the field of administrative law or its equivalent within the member's national jurisdiction. Only three members shall sit in any particular case."